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NEOPTIX, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

22 | LUMASENSE TECHNOLOGIES,

Case No. C-09-02023-WHA

23 Plaintiff,

**STIPULATION AND [PROPOSED]
ORDER RESCHEDULING CASE
MANAGEMENT CONFERENCE**

24 v.
25 NEOPTIX INC

26 || Defendant

1 **STIPULATION RESCHEDULING CASE MANAGEMENT CONFERENCE**

2 IT IS HEREBY STIPULATED AND AGREED between Plaintiff LumaSense
3 Technologies and Defendant Neoptix, Inc., by and through their undersigned counsel, that due to
4 unavailability of lead counsel for LumaSense Technologies on the current August 20, 2009 Case
5 Management Conference date, good cause exists to reschedule the Case Management Conference
6 in this action. Because lead counsel for Neoptix, Inc. is unavailable on the following Thursday,
7 August 27, 2009, the parties request that the Case Management Conference be rescheduled to
8 September 3, 2009, or as soon thereafter as the matter may be heard, before the Honorable
9 William H. Alsup of the United States District Court for the Northern District of California, San
10 Francisco Division.

11 **IT IS SO AGREED AND STIPULATED.**

12 Dated: August 14, 2009

13 _____
14 /s/ Gregory L. Lippetz
15 Gregory L. Lippetz
16 JONES DAY

17 _____
18 Counsel for Plaintiff
19 LUMASENSE TECHNOLOGIES

20 In accordance with General Order No. 45, Rule X, the above signatory attests that
21 concurrence in the filing of this document has been obtained from the signatory below.

22 Dated: August 14, 2009

23 _____
24 /s/ Brian D. Henri
25 Brian D. Henri
26 THOMAS WHITELAW & TAYLOR LLP

27 _____
28 Counsel for Defendant
 NEOPTIX, INC.

PROPOSED ORDER

Pursuant to the Stipulation between the parties, the Case Management Conference in this matter will be rescheduled to September 3, 2009. THERE WILL BE NO FURTHER CONTINUANCES.

IT IS SO ORDERED.

DATED: August 14 , 2009

